

**IN THE INCOME-TAX APPELLATE TRIBUNAL, SURAT BENCH, SURAT
BEFORE SHRI SANJAY GARG, JUDICIAL MEMBER &
SHRI BIJAYANANDA PRUSETH, ACCOUNTANT MEMBER**

आयकर अपील सं./ITA No.879/SRT/2025

(Hybrid hearing)

Trishul Sports Association F P No. Shop Gr. Flr. Abhinav Darshan, APTS Maskati, Surat- 385 007	बनाम/ Vs	Commissioner of Income-Tax (Exemption), Ahmedabad
स्थायीलेखासं./जीआइआरसं./PAN/GIR No: AAJCT6097Q		
(अपीलार्थी/Appellant)		(प्रत्यर्थी/Respondent)

Appellant by	Shri Rasesh Shah, CA
Respondent by	Shri Mukesh Jain, (CIT) DR
Date of Hearing	23.09.2025
Date of Pronouncement	26.09.2025

आदेश / ORDER

PER BIJAYANANDA PRUSETH, AM:

This appeal emanates from the order passed dated 21.06.2025 by the learned Commissioner of Income-tax (Exemption), Ahmedabad [in short, “the CIT(E)”], wherein Ld. CIT(E) rejected assessee’s application filed in Form No.10AB electronically for grant of approval under Item-B to sub clause (ii) of clause (ac) of sub section (1) of section 12A of the Income-tax Act (in short, ‘the Act’).

2. Grounds of appeal raised by the assessee are as under:

“1. On the facts and in circumstances of the case as well as law on the subject, the learned CIT(E) has erred in passing ex-parte order without giving reasonable and sufficient opportunity of being heard.

2. Even otherwise on the facts and in circumstances of the case as well as law on the subject, the learned CIT(E) has erred in rejecting the application of assessee for registration u/s. 12AB of the I.T. Act, 1961.”

3. It is therefore prayed that order of CIT(E), passed u/s. 12AB of the I.T. Act, 1861 may be set aside and he may be directed to pass fresh order granting approval u/s. 12AB.

4. Appellant craves leave to add, alter or delete any ground(s) either before or in the course of hearing of the appeal.”

3. The fact of the case in brief are that the assessee filed an application in Form No.10AB electronically for grant of approval under Item-B to sub clause (ii) of clause (ac) of sub section (1) of section 12A of the Act. In respect of the application filed by the assessee-trust in Form No.10AB, the Ld. CIT(E) asked the assessee-trust to file certain details and documents vide notices dated 26.11.2024 and 04.02.2025. In response to the said notices, the assessee neither filed any response nor sought any adjournment. In absence of the requisite details, the Ld. CIT(E) decided the case based on materials available on record. At para 4, the Ld. CIT(E) has mentioned that note on activities of the applicant had not been furnished by the assessee. Therefore, the Ld. CIT(E) could not verify the objects as well as activities of the assessee-trust. The Ld. CIT(E) at para 7 of his order has stated that assessee failed to file documentary evidences to enable him to satisfy about: (i) genuineness of the activities of the trust or institutions, (ii) that the activities of trust or institutions are in consonance with the objects of the trust or institution and (iii) that other laws material for the purpose of achieving objects are complied with. Hence, relying on the judgments delivered by the Hon'ble Supreme Court in the case of 'Commissioner of Income tax, Ujjain Vs. Dawoodi

Bohara Jamat' in Civil Appeal No. 2492 of 2014 and in another case of 'M/s. New Noble Educational Society' in Civil Appeal No. 3795 of 2014, the CIT(E) rejected the assessee's application filed in Form No. 10AB u/s 12A(1)(ac)(iv)- Item(B) of the Act, vide his order dated 21.06.2025.

4. Aggrieved by the order of Ld. CIT(E), the assessee has filed present appeal before the Tribunal. Since the case has been decided without considering the merit of the case, the Id. AR requested that the matter may be set aside to the file of Ld. CIT(E) for considering the case on merit. The Id. AR submitted that the *ex parte* order by CIT(E) is clearly violative of the principles of natural justice. He, therefore, requested that in the interests of justice, one more opportunity should be given to the assessee to plead its case on merit before the Ld. CIT(E).

5. On the other hand, Ld. CIT-DR for the revenue did not have any objection if the matter is remitted back to the file of the Ld. CIT(E) for fresh adjudication. He, however, stated that appropriate cost may be imposed on the assessee.

6. We have heard both parties and perused the materials available on record. The Ld. CIT(E) issued two notices on 26.11.2024 and 04.02.2025 but there was no compliance from the assessee. The Ld. CIT(E) has observed that the appellant failed to file documentary evidence to enable him to satisfy about the genuineness

of the activities of the trust and whether the activities are in consonance with the objects of the trust. The Id. AR has contended before us that the appellant is ready to submit all details and evidences needed by the Ld.CIT(E) and one more opportunity may be given to the assessee. We find that assessee could not pursue its case before the Ld. CIT(E) by filing necessary evidences and documents. Hence, we are of the view that one more opportunity should be given to the assessee to file relevant documents/evidences and to plead his case before the CIT(E). It is settled law that principles of natural justice requires that the affected party is granted sufficient opportunity of being heard to contest his case. Therefore, without delving much into the merits of the case, in the interest of justice, we restore the matter back to the file of Ld. CIT(E) for *de novo* adjudication and to pass a speaking order after hearing the appellant subject to payment of cost of **Rs.5,000/- (Rupees five thousand only)** by the appellant to the credit of the “PM National Relief Fund” within 3 weeks from receipt of this order. Subject to payment of above cost, we set aside the order of Ld. CIT(E) and remit the matter back to the file of Ld. CIT(E) with a direction to pass *de novo* order in accordance with law after granting adequate opportunity of being heard to appellant. The appellant is directed to be more vigilant and diligent and to furnish all the details and explanations as needed by the Ld. CIT(E) by not seeking adjournment without

valid reasons. With these directions, the grounds of appeal are allowed for statistical purposes.

7. In the result, appeal of the assessee is allowed for statistical purpose.

Order pronounced in accordance with Rule 34 of ITAT Rules, 1963

on 26/09/2025 in the open court.

Sd/-
(SANJAY GARG)
न्यायिक सदस्य/JUDICIAL MEMBER

Sd/-
(BIJAYANANDA PRUSETH)
लेखा सदस्य/ACCOUNTANT MEMBER

सूरत/Surat

दिनांक/ Date: 26/09/2025

Dkp Outsourcing Sr.P.S*

आदेश की प्रतिलिपि अग्रेषित/ Copy of the order forwarded to :

- अपीलार्थी/ The Appellant
- प्रत्यर्थी/ The Respondent
- आयकर आयुक्त/ CIT
- आयकर आयुक्त(अपील)/ The CIT(A)
- विभागीय प्रतिनिधि, आयकर अपीलीय आधिकरण, सूरत/ DR, ITAT, SURAT
- गार्ड फाईल/ Guard File

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By order/आदेश से,

सहायक पंजीकार
आयकर अपीलीय अधिकरण, सूरत